

1 STEVEN G. KALAR
2 Federal Public Defender
2 DIANA A. GARRIDO
3 Assistant Federal Public Defender
3 160 West Santa Clara Street
4 Suite 575
4 San Jose, CA 95113
5 Telephone: (408) 291-7753

5
6 Counsel for Defendant KENNEDY

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,) No. CR 12-00783 LHK
11 Plaintiff,) STIPULATION AND ~~PROPOSED~~
12 vs.) ORDER CONTINUING HEARING DATE
13 LEO JOSHUA KENNEDY,) AND EXCLUDING TIME UNDER THE
14 Defendant.) SPEEDY TRIAL ACT
15 _____)

16 The defendant, Leo Joshua Kennedy, represented by Assistant Federal Public Defender
17 Diana A. Garrido, and the government, represented by Assistant United States Attorney Jeffrey
18 B. Schenk, hereby stipulate that, with the Court's approval, the status conference currently set
19 for Wednesday, January 9, 2013 at 9:00 a.m., shall be continued to Wednesday, February 13,
20 2013 at 9:00 a.m.

21 The continuance is requested to provide both defense counsel and the government with
22 additional time to review discovery and to negotiate an appropriate resolution. The continuance
23 would provide both parties with the reasonable time necessary for effective preparation.
24 Accordingly, both parties respectfully request that the time between January 9, 2013 and
25 February 13, 2013 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
26 (B)(iv).

1 Dated: December 19, 2012
2

3 STEVEN G. KALAR
4 Federal Public Defender
5

6
7 /s/
8 DIANA A. GARRIDO
9 Assistant Federal Public Defender
10

11 Dated: December 19, 2012
12

13 MELINDA HAAG
14 United States Attorney
15

16 /s/
17 JEFFREY B. SCHENK
18 Assistant United States Attorney
19
20
21
22
23
24
25
26

PROPOSED ORDER

2 Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that
3 the time between January 9, 2013 and February 13, 2013 is excluded under the Speedy Trial Act,
4 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the
5 failure to grant the requested continuance would unreasonably deny counsel reasonable time
6 necessary for effective preparation, taking into account the exercise of due diligence.
7 Furthermore, the Court finds that the ends of justice served by granting the requested continuance
8 outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore
9 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
10 (B)(iv).

12 IT IS SO ORDERED.

14 | PAGED: December 28, 2012

Lucy H. Koh
THE HONORABLE LUCY H. KOH
United States District Judge